

1 IN THE UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF TENNESSEE

3 AT CHATTANOOGA

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 REJON TAYLOR,

8 Defendant.

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1:04-CR-160

9 Chattanooga, Tennessee  
10 October 15, 2008

11 BEFORE: THE HONORABLE CURTIS L. COLLIER,  
12 CHIEF UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

14 FOR THE PLAINTIFF:

15 STEVEN S. NEFF  
16 CHRISTOPHER D. POOLE  
Assistant United States Attorney  
1110 Market Street, Suite 301  
Chattanooga, Tennessee 37402

17 FOR THE DEFENDANT:

18 WILLIAM H. ORTWEIN  
19 Post Office Box 38  
Hixson, Tennessee 37343

20 HOWELL G. CLEMENTS  
21 1010 Market Street, Suite 401  
22 Chattanooga, Tennessee 37402

23 JURY TRIAL  
24 EIGHTEENTH DAY OF TRIAL

25 UNITED STATES DISTRICT COURT

1 APPEARANCES: (Continuing)

2  
3 FOR THE DEFENDANT:

4 LESLIE A. CORY  
5 FREDERICK L. ORTWEIN  
6 1010 Market Street, Suite 306  
7 Chattanooga, Tennessee 37402

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9  
10 (IN OPEN COURT)

11 THE COURT: Ladies and gentlemen, as I told you  
12 yesterday, the case is concluded. It is now time for you to  
13 begin your deliberations. Ms. Palmer will deliver to you all  
14 of the exhibits; and as soon as she does so, you can go ahead  
15 and get started.

16 So with the exception of the alternates, why don't  
17 you go ahead and retire to the deliberation room. And as soon  
18 as Ms. Palmer comes in, you can go ahead and get started.

19 (Brief pause.)

20 (The jury exited the courtroom, and the proceedings  
21 continued as follows:)

22 THE COURT: I am very surprised that we have not had  
23 to call upon you to serve on this jury. With a case of this  
24 length, having all of the first twelve still serving is rather  
25 remarkable. With all the things that happen in people's lives,

1 we could not have anticipated that we would not be using at  
2 least half of you at this point. But that is not the case.  
3 Each one of the twelve has hung in there. They're about to  
4 start. So just as in the first phase of the case, I'm going to  
5 have Ms. Palmer place you somewhere outside of the courtroom  
6 here, and ask that you not talk about the case. Do not allow  
7 anyone to talk to you about the case.

8 Ms. Palmer, why don't you have them step out and let  
9 me discuss something with the attorneys.

10 (The alternate jurors exited the courtroom, and the  
11 proceedings continued as follows:)

12 THE COURT: Be seated.

13 Ms. Palmer informed me this morning that one of the  
14 alternates brought a portable DVD player in and he would like  
15 to watch movies while he's waiting. And before authorizing  
16 that, I wanted to check to make sure no one had any objection  
17 to that.

18 MR. POOLE: No objection, Your Honor.

19 MS. CORY: As long as they're not crime movies.

20 THE COURT: Would you like Ms. Palmer to screen the  
21 movies?

22 MS. CORY: No, Your Honor. If it's just fictional  
23 movies, I guess that's fine.

24 THE COURT: Very well, then. Ms. Palmer will deliver  
25 the exhibits to the jury, tell them to get started, and she'll

1 find someplace to put the alternates.

2 Ms. Palmer.

3 (Recess for deliberations.)

4 (The jury entered the courtroom, and the proceedings  
5 continued as follows:)

6 THE COURT: Please be seated.

7 Ladies and gentlemen --

8 THE CLERK: Judge, we're missing one.

9 A JUROR: We have one in the rest room.

10 (Brief pause.)

11 THE COURT: Ladies and gentlemen, you've been hard at  
12 work since first thing this morning. So I think that you ought  
13 to go ahead and take your lunch now.

14 [Name omitted], how much time would you-all like for  
15 lunch? When would you like to come back?

16 THE FOREPERSON: Hour and a half, please, sir.

17 THE COURT: Hour and a half. You want to come back  
18 at 1:30, then? 1:15? 1:30?

19 THE FOREPERSON: 1:30.

20 THE COURT: 1:30. While you're away at lunch, again,  
21 do not discuss the case among yourselves. If two or three of  
22 you are at lunch together, you can talk about the Tennessee  
23 football team's prospects for the rest of the year, but don't  
24 talk about the case. If two or three of you are together and  
25 you start talking about the case, you'll start forming some

1 preliminary opinions, and that's not fair for people who do not  
2 participate in that conversation. Do not look at the  
3 newspapers or allow yourself to be exposed to any communication  
4 influence at all on the case.

5           When you come back, just go directly to the jury  
6 deliberation room. And when the twelfth person has arrived,  
7 you can start deliberating again. But until that  
8 twelfth person arrives, do not start discussing the case, for  
9 the same reason. If five or six of you get back and you start  
10 talking about the case, you're going to start forming some  
11 preliminary opinions.

12           Ms. Palmer.

13           (Luncheon recess.)

14           (Recess for deliberations.)

15           THE COURT: Please be seated.

16           Ladies and gentlemen, I note that it is almost 5:00.  
17 And it's my understanding that some of you have family  
18 obligations that will not permit you to remain too late. For  
19 that reason I sent an inquiry in to you notifying you that it  
20 was my intent to let you go at 5:00. I'm also of the-- I've  
21 also been informed that some of you would not be able to  
22 attend tomorrow, Friday, and Monday, which means that we have  
23 to come back on Tuesday. If you think there is some chance  
24 you can reach a decision later on today, I'll be happy to let  
25 you stay. But it was my understanding some of you would not

1 be able to stay much past 5:00 because of family obligations.  
2 So unless you disagree, I propose to let you go now and have  
3 you come back on Tuesday. Okay?

4 That seems to be the course of action, then.

5 THE FOREPERSON: (Moving head up and down.)

6 THE COURT: Again, while you're away, do not discuss  
7 the case with anyone, do not watch anything on television, do  
8 not listen to anything on the radio, and do not read anything  
9 in the newspapers about this case, and do not engage in any  
10 conversation. But come back on Tuesday at 9:00, and you can  
11 resume where you left off.

12 Ms. Palmer.

13 (Evening recess.)  
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